IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5654 OF 2004

M/s. Bharat Electronics Limited & anr. ..Petitioner.

Vs.

Bharat Electronics Employees Unin ..Respondents.

...

Ms. Meena H. Doshi for the Petitioner.
Ms. Hutoxi Tawadia for the Respondents.

...

CORAM: DR. D.Y. CHANDRACHUD, J.

13th July, 2006.

P.C. :

This Petition has been placed for orders under the caption of 'Orders'. With the consent of both the learned counsel and at their request the Petition has been heard.

At the hearing of the Petition, counsel appearing for the Respondents stated on instructions that the Respondents do not press the complaint, Complaint (ULP) 75 of 2004, filed by the union before the Industrial Court at Thane, having regard to the judgment of the Learned Single Judge of this Court dated 11th April, 2005 in Vilas R. Gaikwad v. M/s. Bharat Electronics Ltd. (Writ Petition 9699 of 2004) in which the finding of the Tribunal that the appropriate

government was the Central Government has been confirmed. Learned counsel states that the union will adopt appropriate proceedings for seeking a reference to adjudication under Section 10 of the Industrial Disputes Act, 1947. On the request of counsel appearing for the Respondents, Complaint (ULP) 75 of 2004 is dismissed as withdrawn with liberty reserved to the Respondents to adopt appropriate proceedings for seeking a reference to adjudication under Section 10 of the Industrial Disputes Act. In the event that such a request is made, the appropriate Government shall take expeditious steps in accordance with law for making a reference to adjudication. Issuance of this direction is not opposed by the Petitioners. In these circumstances, the impugned order dated 17th April, 2004 passed by the Industrial Court is by consent quashed and set aside. Complaint (ULP) 75 of 2004 is dismissed as not pressed with liberty reserved to the Respondents herein who are the original complainants to adopt appropriate proceedings in accordance with law as noted. The Petition is disposed of.